IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 14565 of 2005

Date of Decision : 23.02.2007

Joga Singh

... Petitioner

Versus

State of Punjab and others.

.. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. A.S. Jatana, Advocate,
for the petitioner.

Mr. B.S. Chahal, Assistant Advocate General, Punjab,
for the respondents.

S. D. Anand, J.

1. The petitioner was a minor when his father, a Beldar in the employment of respondents, died on 12.02.1990. On attaining the majority, he applied for appointment on compassionate basis. As per the plea put forth by the petitioner, his deceased father was a regular employee and his application for appointment on compassionate basis was not disposed of till about the year 2005 when only the order dated 14.05.2003 (Annexure P-9) was communicated to him, declining the plea aforementioned. A plea, raised in the alternative, is that the petitioner has been discriminated against inasmuch as many as six persons, who were identically placed, had been given appointment on compassionate basis by the Department upto the year

2002.

2. Respondents pleaded that the case of the petitioner was not covered by the instructions in view of the fact that the deceased was functioning purely on work charge establishment and his services had not been regularized. Qua the plea of discrimination, it was averred that only those who were eligible and fulfilled the conditions of the relevant policy were given appointment on compassionate basis.

3. As would be evident from the perusal of the pleadings of the parties, the averment made by the petitioner in the petition that his deceased father was regular employee was pointedly controverted in the course of the written statement. Likewise, the plea of discrimination raised by the petitioner was also denied. The petitioner has not filed a rejoinder in this matter. The denial of the averments aforementioned offered by the respondents would, thus, be deemed to be uncontroverted.

4. Even otherwise, the law of the land would not authorise the plea raised by the petitioner. The object of an appointment on compassionate basis is to help the family in penury to tide over the financial distress caused by the death of the deceased employee. If the resources available with the family enable it to survive for a number of years, a member of that family attaining majority thereafter cannot be heard to argue in favour of appointment on compassionate basis. The basic idea of an appointment of that category is to help the family of the deceased employee get along in the light of the financial incapacity which would, in the absence of adequate resources in that behalf, be faced by the family on account of the sudden ceasure of the financial resources. On the own showing of the petitioner, he was a minor at the time his father died. He has given his date of birth as

10.11.1976.

5. In view, thus, of the fact that the deceased was a work charge employee and also in view of the fact that the application has been made after a period of about four years, we are unable to persuade ourselves to fault the impugned order dated 14.05.2003 (Annexure P/9).

6. Dismissed.

(S.D. Anand)
Judge

February 23, 2007 (J.S. Khehar)
vkd Judge